MINUTES RANDOLPH COUNTY PLANNING BOARD March 4, 2003

The Randolph County Planning Board met at 6:30 p.m. on Tuesday, March 4, 2003, in the Commissioner's Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

- 1. **Chairman Maxton McDowell** called to order the Randolph County Planning Board Meeting at 6:30 p.m.
 - 2. **Hal Johnson**, Planning Director, called roll of the Members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice Chairman, present; Lynden Craven, present; Phil Ridge, present; Larry Brown, present; and Chris McLeod, present.
- 3. **Craven** made the motion, seconded by **Dorsett**, to <u>approve</u> the Minutes of the February 4, 2003 Randolph County Planning Board Meeting and Zoning Board of Adjustment Meeting. The motion passed unanimously.
 - 4. **REQUESTS FOR PROPERTY REZONING.**
 - A. **DEEP BLUE INVESTMENTS, LLC**, Asheboro, North Carolina, are requesting that 58.29 acres located on Pleasant Ridge Road, Franklinville Township, be rezoned from RA to CVOR-CU. Parcel ID #'s 7791765951, 7791676266, and 7791775750. The proposed Conditional Use Zoning District would specifically allow the development of a 17-lot subdivision for Class-A double-wide mobile homes on permanent masonry foundation, modular homes or site-built homes.

The Technical Review Committee met and found that the proposal was in compliance with standards outlined in the new Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be **approved**.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

- **Policy 6.5** The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long-term quality of life in Randolph County.
- **Policy 8.8** The County should seek land use decisions that continue to provide locations for affordable housing while maintaining a choice in compatible housing types in communities within the county.

Lee Roberts, Deep Blue Investments, was present and explained his intentions to only allow site-built homes with a minimum of 1,200-sq.-ft., with the exception of the 4 large tracts to the rear of the development. The 4 larger tracts could be used for a double-wide manufactured home with a minimum home size of 1,600-sq. ft or a 1,200-sq.-ft site-built home. Roberts also explained that he would maintain a 35' no-cut buffer along the southern property line. Roberts added that they would plant additional evergreen trees in this buffer area on lots 5 through 9. Roberts said the road would be built to state standards and all utilities would be underground. Dorsett asked how many new driveways would be along Pleasant Ridge Road, and Roberts answered that he would require the corner lots to access the new road, and there would only be 3 new driveways along the existing road.

Merita Wall, 747 Pleasant Ridge Road, adjoining property owner, said that she realized farmland is being divided and said that she liked the idea of site-built homes. Wall said that she would like to see the Board require the minimum square footage of the proposed homes to be increased to 1,400 sq. ft. Wall said that their community has been developed with double-wide mobile homes but larger site-built homes would be nicer for the community. Wall told the Board about the nice neighborhood being developed on Hub Morris Road in an area where there are primarily mobile homes. Wall said this is proof that an area can be upgraded.

Darrell Wright, 3540 Wright Farm Lane, (neighbor across the road) said he tried to purchase the property and was unable to do so. Wright said if the County doesn't do something to help the farmers, all the green space in the county will be taken up by developments. Wright said this road is being overtaken by mobile homes. Wright said he agreed with Wall and asked the Board to increase the house size requirement. Wright thanked Roberts for proposing site-built homes.

There were 6 people present in opposition to this request.

Dorsett said that he had been concerned with this proposed subdivision allowing additional mobile homes in this area. Dorsett said he is glad to see that the developer has asked for so many of the lots to be for stick-built homes. Dorsett said he felt there should be a condition added to the permit that the larger lots could not be resubdivided. Dorsett said he is glad to see that there will only be a minimal amount of driveways added to the existing road.

Craven said he felt that the developer should increase the minimum house size to 1,400 sq. ft. Craven commended the developers for requesting most of the lots to be for site-built homes.

Johnson said that he felt the subdivision was well designed and he felt the developer has made an effort to answer community concerns by upgrading the housing type requirement and adding the buffers. Johnson said he felt the Neighborhood Information Meeting helped identify concerns within the community.

Ridge asked Roberts if he has any plans for garage requirements. **Roberts** said they have done a few subdivisions in this area with minimum house sizes of 1,200 - 1,250 sq. ft. Roberts added that they researched the existing subdivisions in the area and most of them have a minimum house size of 1,200 sq. ft. Roberts said that typically people built homes larger than the minimum house size. Roberts said that they require a break in the roof, minimum roof pitches and unheated square footage under roof in addition to the minimum heated house size of 1,200 sq. ft. **Ridge** asked Roberts if he would be willing to add 200 sq. ft. of unheated sq. ft. **Roberts** answered that he would be willing to add 150 sq. ft. of unheated sq. ft. under roof. Roberts said he would be willing to work with the Board on these conditions. **McLeod** said he felt it would be best if the planning staff worked with Roberts between now and the Commissioners meeting.

McLeod made the motion to recommend to the Commissioners that this request be <u>approved</u> with the following conditions:

- * *work with Planning Staff to consider amount of unheated sq. ft. required under roof
- **lots may not be re-subdivided
- **site-built homes with a minimum of 1,200 sq. ft. of heated living space
- **housing requirements could be changed to double-wide mobile homes with a minimum of 1,600 sq. ft. on lots 12-15 only
- **35' no-cut buffer along the southern property line with additional evergreen tree plantings within this area on lots 5-9

Craven seconded this motion and the motion passed unanimously.

B. **DAVID SMITH**, Asheboro, North Carolina, is requesting that 2.91 acres located on Hwy 220 Business South (across from Leo Cranford Road), Cedar Grove Township, be rezoned from RA to LI. Parcel ID #'s 7659403134 and 7659403245. It is the desire of the applicant to develop the property for industrial purposes. Property Owner: Max Macon.

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the new Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be <u>approved</u>, however, conditional use zoning may be more appropriate to protect existing mixed land uses in the community.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation is:

- **Policy 3.4** Light industrial sites should be located in urbanized areas to take advantage of available services and to reduce home-to-work distances. Careful design and/or buffering shall be required to insure compatibility with surrounding areas.
- **Policy 3.5** Warehousing, storage and distribution facilities should have direct access to appropriate thoroughfares and should be visually buffered according to their location.

Smith said that most of the surrounding properties are industrial and this would be a good parcel for additional industrial development. Smith said he doesn't have any specific plans for the property at this time.

Johnson said that there are utilities in this area and said that he had recommended to Smith that he request this be a straight zoning request.

There was no one present in opposition to this request.

Brown made the motion, seconded by **McLeod**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

C. **ELWOOD & JANICE HOCKETT**, Randleman, North Carolina, are requesting that 124.83 acres located on Violet Ridge Road, Level Cross Township, Randleman Lake Watershed, be rezoned from LI to RA. Parcel ID#'s 7758725735; 7758638666; 7758812656 and 7758814783. It is the desire of the applicants to use the property for agricultural purposes.

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the new Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee noted that there are perking problems on the property and the property is currently used for agricultural purposes. The Technical Review Committee recommends to the County Planning Board that this request be <u>approved</u>.

Example of a Growth Management Policy that the Technical Review Committee found supporting this recommendation are:

Policy 3.2 Industrial development should be on land that is physically suitable and has unique locational advantages for industry. Advanced planning for the identification of such land should be encouraged.

Johnson explained that this property was zoned Light Industrial in the late '80's and was not developed due to topography and perking problems. Johnson said the Hockett's are currently farming the property.

Hockett was not present for the meeting. There was no one present in opposition to this request.

Craven made the motion, seconded by **Ridge**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

D. **SAMET CORPORATION**, Greensboro, North Carolina, is requesting that 7.53 acres located on Albertson Road, Trinity Township, be rezoned from LI/CU to HI/CU. Parcel ID #'s 6798280321 and 6798282630. The proposed Conditional Use Zoning District would specifically allow the manufacturing of wooden boat molds in a proposed 25,000-sq.-ft. building as per site plan. Property Owner: Plato Wilson Trustee.

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the new Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee felt that conditional use zoning is appropriate in this area to protect existing mixed land uses in the community. The Technical Review Committee recommends to the County Planning Board that this request be <u>approved</u> with the following conditions:

- 1. The proposed 20 ft. and 50 ft. buffer areas be a "no-cut" natural buffer.
- 2. No access be allowed on Albertson Road.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

- **Policy 3.4** Light industrial sites should be located in urbanized areas to take advantage of available services and to reduce home-to-work distances. Careful design and/or buffering shall be required to insure compatibility with surrounding areas.
- **Policy 3.5** Warehousing, storage and distribution facilities should have direct access to appropriate thoroughfares and should be visually buffered according to their location.

Keith Price, Director of Pre-Construction Services, Samet Corporation, Greensboro, North Carolina, said that the actual operation would be the manufacturing of fiberglass boat models, not wooden boat molds. Price said that they would agree to the same buffer and screening conditions that are currently in place on the property. Those buffers will be included on their site plans. Price said that there will be 13 employees on-site with the potential of up to 20 employees. Price said that there is no process sewage only domestic sewage, created at the site. **Brown** asked if they are going to process the hulls or the molds. Price answered molds. **Dorsett** asked if this type of operation was environmentally friendly. **Regina Burris**, Samet Corporation, said they only purchase the chemicals as they are needed and not maintained on-site at all times. **Johnson** asked if they are required to have emissions permits and **Burris** answered no. Burris said that they have been manufacturing in High Point since 1998, and they are moving their operation because they are currently renting and they plan to purchase this

property. **Price** said they have had the County approve the soils for a septic tank system for this operation. **Johnson** asked if they would access Albertson Road and **Price** answered no. Price said that they will have a drive-through operation, and there would be no outdoor loading docks. **Brown** asked who some of their customers are and **Burris** answered Hatteras Yachts, etc.

Barbara Maynard, 5748 Albertson Road, said that Hatteras had complaints of chemical smells from their manufacturing facility. Maynard said these fumes come in to residential homes in the community through heating and air-conditioning units. Maynard said that there is no access to Old Thomasville Road now and this operation would create more traffic problems on Albertson Road.

Lavonne Gardner, 706 English Place, Trinity, (owns adjoining parcel) said they are having a lot of problems with the existing auction house on Auction Road. Gardner said they are worried about this traffic problem getting bigger.

Burris said that they are within all OSHA regulations. Burris said that they are a small operation and not large like the Hatteras operation. Burris said that they have very few trucks visiting their facilities. **Price** said that they will have a loop drive, and all loading operations would be inside the building.

Brown asked about the painting of the boats, and **Burris** said that they would not be painting the boats. Burris said that they only use a low-emission spray pump. Burris said that they don't have to have a special place to spray. Burris said the pump costs \$9,000 and doesn't create any fumes.

Brown said that he didn't feel this operation should be confused with boat building. Brown said that the building of molds is not the same type operation.

Brown made the motion, seconded by **Craven**, to recommend to the Commissioners that this request be <u>approved</u> with the same buffers currently required on the property. The motion passed unanimously.

5. SWEARING IN OF THE WITNESSES:

"Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?"

1 person took this oath.

6. **SPECIAL USE PERMIT REQUESTS:**

A. **PHILLIP GARNER, JR.**, Franklinville, North Carolina, is requesting a Special Use Permit to obtain an auto dealer's license with a display of three cars to be located at 1141 Wall Country Drive, 2.02 acres, Franklinville Township, Zoning District RA, Parcel ID # 7774546781.

Garner was present and said he wanted a dealer's license to sell cars. Garner said he would never have more than 3 cars (for the business) on the premises at any time. When asked, Garner said he would not be repairing vehicles and would not have any junk vehicles on the property. **Dorsett** asked if he plans to put a sign up at the road and **Garner** said no, that all his sales will be done through advertisements in the newspaper.

Brad Ellis, 2881 Mack Lineberry Road, said that he and his family had a few concerns. Ellis said that there have been several flat-bed trucks carrying in bobcat equipment to this property. Ellis said that this area is rural farmland and they are very concerned about all these trucks coming down their road. Ellis said they are not really concerned about the small car lot but they are about all this equipment.

Johnson asked Garner about the storage of this equipment. **Garner** said that they are being stored in the chicken houses on the property. Garner said that he uses these on his farm installing fences. **Johnson** asked how many bobcats are being stored in the chicken houses and **Garner** said there are 3. **Johnson** explained that these bobcats have nothing to do with this request.

Johnson explained that if this permit is issued and then the business expands beyond the size Garner is describing, then the permit would be revoked and the State would revoke the dealer's licenses.

McLeod made the motion, seconded by **Craven**, to <u>approve</u> this request for a Special Use Permit. The motion passed unanimously.

7. Approval of Order Denying Special Use Permit - SBA Networks Services, Inc. Location - Branson Mill Road

In the Matter of The Application For Special Use Permit By SBA Network Services Representing AT&T Wireless Communications

SBA NETWORK SERVICES, INC., Charlotte, North Carolina, on behalf of AT&T Wireless Services, is requesting a Special Use Permit to allow a 155' wireless communication monopole tower and service facility to be located on Branson Mill Road, 3.53 acres, Polecat Creek Watershed, Level Cross Township, Zoning District RA, Parcel ID #7768850815. Property Owners: Branson & Kay Coltrane.

THIS MATTER, coming before the Randolph County Planning Board at the February 4, 2003, regular session of the Randolph County Planning Board, on petition of SBA Network Services Representing AT&T Wireless Communications to grant a Special Use Permit to construct a 155-foot monopole telecommunications tower and related service facility to be located on Branson Mill Road, Level Cross Township, Randolph County Property ID# 7768850815; (3.53 acre tract); Property Owners: Branson & Kay Coltrane; and having heard the sworn evidence presented and having received into evidence such exhibits as presented by the applicants and opponents of the application, and after affording all who wish to be heard and sworn the opportunity to testify, examine, cross examine or rebuttal witnesses, and to make arguments;

NOW BASED ON SUBSTANTIAL, RELEVANT, AND CREDIBLE EVIDENCE, OR THE ABSENCE THEREOF, THE RANDOLPH COUNTY PLANNING BOARD MAKES THE FOLLOWING FINDINGS OF FACT:

- A. Testimony offered by SBA Network Services representing AT&T Wireless was presented by Attorney Henry Campen, Appraiser Harold Brubaker, SBA Network Zoning Specialist Fred Womble, and RF Engineer Vikram Pai.
- B. The Board agreed to accept these witnesses as qualified in their specific areas of testimony.
- C. County Planning Director Hal Johnson advised the Board that the County Technical Review Committee had reviewed the application and found that it was in compliance with the technical requirements of the County zoning ordinance.
- D. Attorney Henry Campen testified that Harold Brubaker would provide evidence and testimony relative to test three ("That the use will not substantially injure the value of adjoining property, or that the use is a public necessity") and test four ("That the location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the Land Development Plan of Randolph County").
- E. Appraiser Harold Brubaker submitted into evidence an Impact Analysis relative to the above request. The Analysis included the following specific topics: Scope of Analysis; Description of

Site Location, Site Maps, Description of Proposed Tower Site, Neighborhood Description, Value Impact Analysis. Brubaker testified that based on this analysis it was his opinion that the proposed telecommunications tower would not substantially injure the value of adjoining or abutting property. Brubaker further testified that based on this analysis it was his opinion that the location and character of the proposed use if developed according to the plan submitted to the County Planning Department will be in harmony with the area in which it is located and in general conformity with the Land Use Plan for Randolph County.

- F. Attorney Henry Campen testified that Fred Womble, Zoning Specialist, SBA Network Services, and Vikram Pai, RF Engineer, would provide testimony and evidence relative to test one ("That the use will not materially endanger the public heath or safety if located where proposed and developed according to the plan as submitted and approved") and test two ("That the use meets all required conditions and specifications").
- G. Fred Womble provided the Planning Board with a Technical Site Plan and Report. Contained within the report were specific details relative to the following: Summary of Project; General Guidelines & Specific Requirements, Site Inventories, Buffers; Fencing, Setback Requirement, Site Consideration Statement, and other requirements such as No-Co-locatable Statement and AT&T Statement of FCC Compliance.
- H. Vikram Pai provided testimony that AT&T currently has marginal coverage within Randolph County and that this tower request was necessary to enable AT&T to have the opportunity to extend its telecommunications coverage to the total Randolph County community. Pai said that there are no towers currently located within the one-mile radius required by County zoning rules that would enable AT&T to co-locate and achieve its service needs in the community. Pai also stated that there were not transmission lines or other utilities in the area that were of the necessary height to co-locate.
- I. Eleven residents of the community where the tower was proposed attended the meeting in opposition to the tower being located on the proposed site.
- J. Tony Warren, 1309 Branson Mill Road, testified that his property would be the most affected by the proposed location. Mr. Warren questioned why the tower would be located next to his property when the property owner had additional acreage adjoining this 3+ acre tract upon which Warren felt the location of a tower would have less of a negative impact on adjoining properties.

BASED ON THE GREATER WEIGHT OF THE EVIDENCE AND THE FOREGOING FINDINGS OF FACT, THE BOARD MAKES THE FOLLOWING CONCLUSIONS:

- A. Applicant did not present relevant evidence sufficient to meet his prima facia burden that the location and character of the use if developed according to the plan submitted will be in harmony with the area in which it is to be located.
- B. The testimony and evidence submitted by the applicant are insufficient to conclude that the proposed tower location could not have been relocated to other land available to the property owner that would have less impact on adjoining residential properties.

BASED ON THE FOREGOING FINDING OF FACTS AND CONCLUSIONS:

The application for a Special Use Permit is denied for failure to obtain the required 4/5 vote to approve: Planning Board members Brown and Dorsett voted to Deny; Planning Board members McDowell, Craven, Ridge, and McLeod voted against the motion. This Order Denying the request for Special Use Permit is issued this 4th Day of March 2003.

8. Approval of Order Denying Special Use Permit - SBA Networks Services, Inc. Location - Snyder Country Road

In the Matter of The Application For Special Use Permit By SBA Network Services Representing AT&T Wireless Communications

SBA NETWORK SERVICES, INC., Charlotte, North Carolina, on behalf of AT&T Wireless Services, is requesting a Special Use Permit to allow a 182' wireless communication monopole tower and service facility to be located on Snyder Country Road, 56.39 acres, Lake Reese Watershed, Tabernacle Township, Zoning District RA, Parcel ID #7704221044. Property Owners: Terry & Lisa Hutchins.

THIS MATTER, coming before the Randolph County Planning Board at the February 4, 2003, regular session of the Randolph County Planning Board on petition of SBA Network Services representing AT&T Wireless Communications to grant a Special Use Permit to construct a 182-foot wireless communication monopole tower and related service facility to be located on Synder Country Road, Randolph County Parcel ID 7704221044 (56.39-acre tract), Tabernacle Township; Property Owners: Terry & Lisa Hutchins; and having heard the sworn evidence presented and having received into evidence such exhibits as presented by the applicants and opponents of the application, and after affording all who wish to be heard and sworn the opportunity to testify, examine, cross examine or rebuttal witnesses, and to make arguments;

NOW BASED ON SUBSTANTIAL, RELEVANT, AND CREDIBLE EVIDENCE, OR THE ABSENCE THEREOF, THE RANDOLPH COUNTY PLANNING BOARD MAKES THE FOLLOWING FINDINGS OF FACT:

- A. Testimony offered by SBA Network Services representing AT&T Wireless was presented by Attorney Henry Campen, Appraiser Harold Brubaker, SBA Network Zoning Specialist Fred Womble, and RF Engineer Vikram Pai.
- B. The Board agreed to accept these witnesses as qualified in their specific areas of testimony.
- C. County Planning Director Hal Johnson advised the Board that the County Technical Review Committee had reviewed the application and found that it was in compliance with the technical requirements of the County zoning ordinance.
- D. Attorney Henry Campen testified that Harold Brubaker would provide evidence and testimony relative to test three ("That the use will not substantially injure the value of adjoining property, or that the use is a public necessity") and test four ("That the location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the Land Development Plan of Randolph County").
- E. Appraiser Harold Brubaker submitted into evidence an Impact Analysis relative to the above request. The Analysis included the following specific topics: Scope of Analysis; Description of Site Location, Site Maps, Description of Proposed Tower Site, Neighborhood Description, Value Impact Analysis. Brubaker testified that based on this analysis it was his opinion that the proposed telecommunications tower would not substantially injure the value of adjoining or abutting property. Brubaker further testified that based on this analysis it was his opinion that the location and character of the proposed use, if developed according to the plan submitted to the County Planning Department, will be in harmony with the area in which it is located and in general conformity with the Land Use Plan for Randolph County.
- F. Attorney Henry Campen testified that Fred Womble, Zoning Specialist, SBA Network Services, and Vikram Pai, RF Engineer, would provide testimony and evidence relative to test one ("That the use will not materially endanger the public health or safety if located where proposed and

- developed according to the plan as submitted and approved") and test two ("That the use meets all required conditions and specifications").
- G. Fred Womble provided the Planning Board with a Technical Site Plan and Report. Contained within the report were specific details relative to the following: Summary of Project, General Guidelines & Specific Requirements, Site Inventories, Buffers, Fencing, Setback Requirement, Site Consideration Statement, and other requirements such as No-Co-locatable Statement and AT&T Statement of FCC Compliance.
- H. Vikram Pai provided testimony that AT&T currently has marginal coverage within Randolph County and that this tower request was necessary to enable AT&T to have the opportunity to extend its telecommunications coverage to the total Randolph County community. Pai said that there are no towers currently located within the one-mile radius required by County zoning rules that would enable AT&T to co-locate and achieve its service needs in the community. Pai also stated that there were not transmission lines or other utilities in the area that were of the necessary height to co-locate.
- I. Four residents of the community attended the meeting in opposition to the tower being located on the proposed site.
- J. Norm and Leslie Zimmerman, 1432 Tabernacle Church Road, provided testimony that indicated they did not oppose the tower based on the first three "tests" or findings that the Planning Board must make before approving a Special Use Permit. They opposed the request based on test four, which requires that the location and character of the use if developed according to the plan will be in harmony with the area in which it is located. The Zimmermans testified that they purchased this land in an environmentally sensitive and rural area of Randolph County in order to farm a vineyard. Testimony from Fred Womble indicated that the Zimmermans' property was located 7/10's of a mile from the tower site. The Zimmermans testified that they would be able to see the tower from their property.

BASED ON THE GREATER WEIGHT OF THE EVIDENCE AND THE FOREGOING FINDINGS OF FACT, THE BOARD MAKES THE FOLLOWING CONCLUSIONS:

A. Applicant did not present relevant evidence sufficient to meet his prima facia burden for the Planning Board to conclude that the location and character of the use if developed according to the plan submitted will be in harmony with the area in which it is to be located.

BASED ON THE FOREGOING FINDING OF FACTS AND CONCLUSIONS:

The application for a Special Use Permit is denied for failure to obtain the required 4/5 vote to approve: Planning Board members Brown and Dorsett voted to deny; Planning Board members McDowell, Craven, Ridge, and McLeod voted against the motion. This Order Denying the request for Special Use Permit is issued this **4th Day of March 2003**.

Dorsett made the motion, seconded by **Brown**, to <u>approve</u> the order denying the Special Use Permit requested by SBA Networks Services, Inc. on Snyder Country Road. The motion passed unanimously.

9. The meeting adjourned at 7:56 p.m. There were 26 citizens present for this hearing.

Hal Johnson, Planning Director Jill Wood, Clerk/Secretary